THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 18820 of 2007

29-10-2007

Between:

Vadlamudi Sri Priya

Petitioner

And

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Higher Education Department, Secretarait,
Hyderabad and four others.

Respondents.

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 18820 of 2007

Oral Order:

The grievance in this writ petition is regarding the inaction of the respondents in admitting the petitioner to the B.Tech., Course in Computer Science in the 5th respondent–College despite having been selected at counseling for admission and allotment to the 5th respondent-College for such admission.

The respondents entertained a doubt as to the Scheduled Tribe status of the petitioner under which category the petitioner secured admission into the 5th respondent-College. The claim of the petitioner that she belongs to the Scheduled Tribe community is founded on a certificate issued by the Revenue Divisional

Officer, Secunderabad division dated 17-03-2003 under a Certificate No. D/4313/02.

On instructions, the learned counsel for the respondents – Sri Sudesh Anand for Commissioner; Sri Ratnangapani Reddy for the Convener and Government Pleader for Technical Education for respondent No.1 -- do not assert that the Revenue Divisional Officer, Secunderabad is not the competent authority to issue the Community, Nativity and Date of Birth Certificate such as one dated 17-03-2003 which certifies that the petitioner belongs to Konda Kapu (S.T.) community. The representative of the Tribal Welfare Department present at the counseling is stated to have entertained a doubt about the petitioner's community on the basis of her 'surname' and certain other assumptions gathered during the course of counseling. These impressions gathered by the Tribal Welfare Department do not constitute legitimate conclusions which can be formalized to eclipse the certification by the instrument dated 17-03-2003. The certificate dated 17-03-2003, if issued by the competent authority, can only be set at naught by following the process and the norms specified in several provisions of the Andhra Pradesh (SC, ST & Bcs) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act'). Till then, on the basis of the certificate issued, the petitioner must *prima facie* be considered as belonging to 'Konda Kapu' community which indisputably is a Scheduled Tribe Community. In the circumstances above, the action of the respondents in interminably procrastinating the decision making process constitutes an abdication of statutory responsibility.

In the circumstances, the respondent Nos. 2 and 3 shall forthwith accord provisional admission to the petitioner in the 5th respondent-College subject to verification of her Scheduled Tribe status. It is open to the respondent Nos. 1 to 3 to take appropriate measures and with such expedition as appeals to these

respondents in the circumstances to cause verification of the petitioner's status by the appropriate agency. The provisional admission granted to the petitioner shall be subject to the result of such verification.

The writ petition is accordingly disposed of. No costs.

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GODA RAGHURAM, J

Dated: 29-10-2007
pvks

Nb:- Furnish c.c. today itself.
B/o pvks